S.B.Criminal Revision Petition No.1143/2007

Peera Ram & Ors.
v.
State of Rajasthan & Anr.

Date of Order :: 24th October, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. RRC Gorsia, for the petitioner.
Mr. V.R.Mehta, Public Prosecutor.

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By this petition under Section 397 read with Section 401 Cr.P.C. a challenge is given to the order dated 2.8.2007 and 3.9.2007 passed by learned Additional Chief Judicial Magistrate, Barmer taking cognizance and framing charges against the petitioners for the offences under Sections 447, 504, 323, 427 and 354 IPC.

According to counsel for the petitioner on basis of evidence available no offence under Sections 447, 323, 427, 354 and 504 IPC is made out against the petitioners and, therefore, the cognizance of the offences aforesaid was erroneously taken by the court below.

From perusal of the order impugned it reveals that a complaint was filed by one Shri Achala Ram and in support of that statements under Section 202 Cr.P.C. were also recorded. A specific statement

was given that the accused persons forcely entered into agricultural fields and started quarreling with the complainant and his wife. According to the complaint and the statements the accused persons misbehaved with the complainant to the extent of torning his clothes and the clothes of his wife. In view of the statements, prima facie no error appears in taking cognizance against the petitioners. At this stage the Court is not required to make a threadbare inquiry and a prima facie satisfaction regarding commission of offence on basis of averments made in complaint and supported by statements is sufficient for taking cognizance. The order impugned, therefore, does not warrant any interference.

The revision petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.